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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,400	07/21/2000	William Dere	11283/11	3539
30636	7590	03/28/2006		
FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			EXAMINER CHEN, TE Y	
			ART UNIT 2161	PAPER NUMBER

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/621,400	Applicant(s) DERE ET AL.	
	Examiner Susan Y. Chen	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,7,9-13,17,22,24,25 and 39-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,9-13,17,22,24,25 and 39-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/17/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This office action is in response to the amendment filed on Jan. 20, 2006.

Claims 1-4, 6-7, 9-13, 17, 22, 24-25 and 39-41 are pending for examination; claims 1, 3-4, 6-7, 9-13, 17, 22, 24-25 have been amended; claims 5, 8, 14-16, 18-21, 23, and 26-38 have been canceled; and claims 39-41 have been newly added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-7, 11-13 and 39-41, are rejected under 35 U.S.C. 102(e) as being anticipated by Coley et al. (US Pub. No. 2005/0273436).

As to claim 1, Coley et al. (hereinafter referred as Coley) disclosed a method for managing an automated license installation on a client machine [Fig. 1], which comprising:

retrieving license information of the client computing system from a license database located on a remote server [e.g., Abstract, lines 1-4];

receiving a selection of a configuration of the retrieved license information [e.g., P. 4, section: 0031; P. 13, section: 0115];

confirming the configuration of the retrieved license information on the client computing system [e.g., P. 5, sections: 0051-0052]; and

receiving one of a license file relating to the confirmed configuration of the information and an error message [e.g., P. 5, sections: 0052-0053; P. 6, section: 0059, P. 9, section: 0089].

As to claim 2, Coley further discloses that the step of requiring an entry of a valid PIN number [e.g., the valid license record of a client at P. 3, section: 0024].

As to claim 3, Coley further discloses requiring an affirmative permission of the client computer system before retrieval of license information from the license database [e.g., P. 6, section: 0059].

As to claim 4, Coley further discloses the step of determining whether a flexible license management utility software is installed on the client computing system, and installing the flexible license management utility software if it is not in the client system [e.g., Abstract, lines 8-13].

As to claim 6, Coley further discloses the step of updating the license database on the configuration of the retrieved license information [e.g., P. 5, section: 0049].

As to claim 7, Coley further discloses the license installation option on the client computing system comprising a floating license installation [e.g., P. 7, section: 0067].

As to claims 11-12, Coley further discloses: querying the client computing system on determining whether the previously installed license file is valid and performing an updating operation to replace the previously installed license file [e.g., Coley: P. 10, section: 0094].

As to claim 13, Coley further discloses determining if a network connection exists to the client computing system [e.g., sections: 0051-0052].

As to claim 39, Coley further discloses sending a message requesting license information [e.g., P. 5, section: 0046].

As to claims 40-41, Coley further discloses that the message includes request code and available licensed products [e.g., P. 5, section: 0052].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-10, 17, 22 and 24-25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Coley et al. (US Pub. No. 2005/0273436) and in view of Nabahi (U.S. Patent No. 6,006,035).

As to claims 9-10, Coley does not expressly disclose the step of determining an operating system of the client computer system and set up the configuration variable accordingly.

However, Nabahi discloses the claimed features by using simplified script language file [e.g., col. 5, lines 23 – 60].

Coley and Nabahi are both in the same endeavor to install software application via dynamic configuring a client computer system, hence it would have been obvious for an ordinary skilled artisan at the time the invention was made to apply the well-known technique as taught by Nabahi into Coley's invention steps to determining an operating system of the client computer system and set up the configuration variable accordingly, because by doing so, the combined method will be upgraded as more flexible for facilitating the dynamic configuration processing.

As to claims 17, 22 and 24-25, the claimed system are deemed to be made obvious for the functions as recited in the claims 1-13 and 39-41 in a combination as discussed above, thus, these claims are rejected for the same reasons.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 6-7, 9-13, 17, 22, 24-25 and 39-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y. Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen
Examiner
Art Unit 2161

March 13, 2006



UYEN LE
PRIMARY EXAMINER